

REMARKS

I. Amendments to the Claims

Prior to entry of this Amendment and Response, claims 1-31 are pending in the above-referenced application. Following entry of this Amendment and Response, claims 1-32 will be pending.

II. Response to Rejection of Claims under 35 U.S.C. § 102

In the Office action, claims 1-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cutler et al, U.S. Patent No. 6,761,667. However, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131.

Claim 1 has been amended to include the following limitation: "at least a portion of the motor frame is higher than the support bed for at least one inclination position of the support bed." Support for the amendment can be found in Figures 6 and 6A. Cutler et al. does not appear to expressly or inherently illustrate or describe a motor frame with at least a portion of the motor frame being higher than the support bed for at least one inclination position of the support bed. Accordingly, Applicant respectfully submits that claim 1 as amended is patentably distinguishable over Cutler et al. and that the rejection of claim 1 is traversed.

Claims 2-9 depend from claim 1. Since, for at least the reasons described above, amended claim 1 is patentably distinguishable over Cutler et al., claims 2-9, which contain all limitations of claim 1, are also patentably distinguishable from Cutler et al. Accordingly, Applicant respectfully submits that the rejection of claims 2-9 is traversed.

Original claim 10 includes the following limitations: (a) a base frame having a roller mounted on an axle, the axle being seated in at least bushing and including a threaded recess, and (b) a threaded fastener extending through the bushing into the threaded recess of the axle, the threaded fastener being adapted to adjust the position of the roller by engaging with the threaded recess of the axle. Cutler et al. does not appear to expressly or inherently illustrate or describe either of the above elements. Since each and every limitation in claim 10 does not appear to be expressly or inherently illustrated or described in Cutler et al. (based on either of

the referenced limitations), Applicant respectfully submits that claim 10 is patentably distinguishable over Cutler et al. and that the rejection of claim 10 is traversed.

Original claims 11-23 depend from claim 10. Since, for at least the reasons described above, claim 10 is patentably distinguishable over Cutler et al., claims 11-23, which contain all limitations of claim 10, are also patentably distinguishable from Cutler et al. Accordingly, Applicant respectfully submits that the rejection of claims 11-23 has been traversed.

Original claim 24 includes the following limitation: a base frame pivotally attached to the motor frame along a second pivot line spaced from the first pivot line, wherein the base frame pivots from an unfolded configuration to a folded configuration about the second pivot line. Cutler et al. does not appear to expressly or inherently illustrate or describe this limitation. Since each and every limitation in claim 24 does not appear to be expressly or inherently illustrated or described in Cutler et al., Applicant respectfully submits that claim 24 is patentably distinguishable over Cutler et al. and that the rejection of claim 24 is traversed.

Claims 25-31 depend from claim 24. Since, for at least the reasons described above, claim 24 is patentably distinguishable over Cutler et al., claims 25-31, which contain all limitations of claim 24, are also patentably distinguishable from Cutler et al. Accordingly, Applicant respectfully submits that the rejection of claims 25-31 is traversed.

III. Newly Presented Claim 32

Claim 32 is newly presented for consideration. Support for each limitation in claim 32 can be found, among other places, in Figures 1, 5, 6 and 6a and in the specification on pages 7 and 8.

IV. Conclusion

For at least the various reasons discussed herein, it is believed that claims 1-32 are in form for allowance, and such indication is respectfully requested.

A petition for a two month extension of time to respond to the June 27, 2005, Office Action is hereby requested, making this Amendment and Response due on or before Monday, November 28, 2005, (as November 27, 2005 fell on a Sunday). A check in the amount of \$700.00 is enclosed herewith to cover \$450.00 for the extension of time fee, \$50.00 for one additional claim, and \$200.00 for one additional independent claim. It is believed no further petitions or fees are due with respect to filing this Amendment and Response. Should any such

Express Mail No. EV 680 427 410 US
Appln. No. 10/039,070
Reply to Office action of June 27, 2005

petitions or fees be necessary, however, please consider this a request therefor and
authorization to charge Deposit Account No. 04-1415 accordingly.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: November 28, 2005


Robert D. Hoge, Atty. Reg. No. 55,273
DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel.: (303) 629-3400
Fax: (303) 629-3450

USPTO Customer No.: 20686